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9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 RAYVIONE DATUAN MOUTON,

16 Defendant.

No. CR 2:23-00262-DSF-1

PLEA AGREEMENT FOR DEFENDANT
RAYVIONE DATUAN MOUTON

17
18 1. This constitutes the plea agreement between RAYVIONE DATUAN
19 MOUTON ("defendant") and the United States Attorney's Office for the
20 Central District of California (the "USAO") in Case No. 2:23-CR-
21 00262-DSF-1. This agreement is limited to the USAO and cannot bind
22 any other federal, state, local, or foreign prosecuting, enforcement,
23 administrative, or regulatory authorities.

24 DEFENDANT'S OBLIGATIONS

25 2. Defendant agrees to:

26 a. At the earliest opportunity requested by the USAO and
27 provided by the Court, appear and plead guilty to Count One of the
28 indictment in United States v. RAYVIONE DATUAN MOUTON, CR No. 2:23-
1041

1 00262-DSF-1, which charges defendant with Conspiracy to Distribute
2 and Possess with Intent to Distribute Fentanyl in violation of 21
3 U.S.C. §§ 846, 841(a)(1), (b)(1)(C).

4 b. Not contest facts agreed to in this agreement.

5 c. Abide by all agreements regarding sentencing contained
6 in this agreement.

7 d. Appear for all court appearances, surrender as ordered
8 for service of sentence, obey all conditions of any bond, and obey
9 any other ongoing court order in this matter.

10 e. Not commit any crime; however, offenses that would be
11 excluded for sentencing purposes under United States Sentencing
12 Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not
13 within the scope of this agreement.

14 f. Be truthful at all times with the United States
15 Probation and Pretrial Services Office and the Court.

16 g. Pay the applicable special assessment at or before the
17 time of sentencing unless defendant has demonstrated a lack of
18 ability to pay such assessment.

19 h. Agree to and not oppose the imposition of the
20 following condition of probation or supervised release:

21 i. The defendant shall submit defendant's person and
22 any property under defendant's control, including any residence,
23 vehicle, papers, computer and other electronic communication or data
24 storage devices and media, and effects, to suspicion-less search and
25 seizure at any time of the day or night by any law enforcement or
26 probation officer, with or without a warrant, and with or without
27 cause; and if stopped or questioned by a law enforcement officer for
28

1 any reason, defendant shall notify that officer that defendant is on
2 federal supervised release and subject to search.

3 THE USAO'S OBLIGATIONS

4 3. The USAO agrees to:

5 a. Not contest facts agreed to in this agreement.

6 b. Abide by all agreements regarding sentencing contained
7 in this agreement.

8 c. At the time of sentencing, provided that defendant
9 demonstrates an acceptance of responsibility for the offense up to
10 and including the time of sentencing, recommend a two-level reduction
11 in the applicable Sentencing Guidelines offense level, pursuant to
12 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an
13 additional one-level reduction if available under that section.

14 d. At the time of sentencing, move to dismiss the
15 remaining counts in the indictment as against defendant. Defendant
16 agrees, however, that at the time of sentencing the Court may
17 consider any dismissed charges in determining the applicable
18 Sentencing Guidelines range, the propriety and extent of any
19 departure from that range, and the sentence to be imposed.

20 NATURE OF THE OFFENSE

21 4. Defendant understands that for defendant to be guilty of
22 the crime charged in Count One, that is, Conspiracy to Distribute and
23 Possess with Intent to Distribute Fentanyl, in violation of Title 21,
24 United States Code, Sections 846, 841(a)(1), (b)(1)(C), the following
25 must be true: (1) There was an agreement between two or more persons
26 to distribute or to possess with intent to distribute fentanyl; and
27 (2) defendant joined in the agreement knowing of its purpose and
28 intending to help accomplish that purpose.

6. The elements of the crime of Possession with Intent to Distribute Fentanyl, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), which is an object of the conspiracy, are as follows: (1) a person knowingly possessed fentanyl; and (2) the person possessed the fentanyl with the intent to distribute it to another person. It does not matter whether the person knew that the substance was fentanyl. It is sufficient that the person knew that it was some kind of a federally controlled substance. To "possess with intent to distribute" means to possess with intent to deliver or transfer possession of a controlled substance to another person, with or without any financial interest in the transaction.

7. Defendant understands that the statutory maximum sentence that the Court can impose for a violation of Title 21, United States Code, Section 846, as charged in Count One of the Indictment, is: 20 years' imprisonment; a lifetime period of supervised release; a fine of \$1,000,000 or twice the gross gain or gross loss resulting from the offense, whichever is greatest; and a mandatory special assessment of \$100.

4

1 § 3553(f), the Court must impose a statutory mandatory minimum of at
2 least a three-year period of supervised release to follow a term of
3 imprisonment and a mandatory special assessment of \$100.

4 9. Defendant understands that under 21 U.S.C. § 862a,
5 defendant will not be eligible for assistance under state programs
6 funded under the Social Security Act or Federal Food Stamp Act or for
7 federal food stamp program benefits, and that any such benefits or
8 assistance received by defendant's family members will be reduced to
9 reflect defendant's ineligibility.

10 10. Defendant understands that supervised release is a period
11 of time following imprisonment during which defendant will be subject
12 to various restrictions and requirements. Defendant understands that
13 if defendant violates one or more of the conditions of any supervised
14 release imposed, defendant may be returned to prison for all or part
15 of the term of supervised release authorized by statute for the
16 offense that resulted in the term of supervised release.

17 11. Defendant understands that, by pleading guilty, defendant
18 may be giving up valuable government benefits and valuable civic
19 rights, such as the right to vote, the right to possess a firearm,
20 the right to hold office, and the right to serve on a jury. Defendant
21 understands that he is pleading guilty to a felony and that it is a
22 federal crime for a convicted felon to possess a firearm or
23 ammunition. Defendant understands that the conviction in this case
24 may also subject defendant to various other collateral consequences,
25 including but not limited to revocation of probation, parole, or
26 supervised release in another case and suspension or revocation of a
27 professional license. Defendant understands that unanticipated
28

1 collateral consequences will not serve as grounds to withdraw
2 defendant's guilty plea.

3 12. Defendant and his counsel have discussed the fact that, and
4 defendant understands that, if defendant is not a United States
5 citizen, the conviction in this case makes it practically inevitable
6 and a virtual certainty that defendant will be removed or deported
7 from the United States. Defendant may also be denied United States
8 citizenship and admission to the United States in the future.
9 Defendant understands that while there may be arguments that
10 defendant can raise in immigration proceedings to avoid or delay
11 removal, removal is presumptively mandatory and a virtual certainty
12 in this case. Defendant further understands that removal and
13 immigration consequences are the subject of a separate proceeding and
14 that no one, including his attorney or the Court, can predict to an
15 absolute certainty the effect of his conviction on his immigration
16 status. Defendant nevertheless affirms that he wants to plead guilty
17 regardless of any immigration consequences that his plea may entail,
18 even if the consequence is automatic removal from the United States.

19 FACTUAL BASIS

20 13. Defendant admits that defendant is, in fact, guilty of the
21 offense to which defendant is agreeing to plead guilty. Defendant
22 and the USAO agree to the statement of facts provided below and agree
23 that this statement of facts is sufficient to support a plea of
24 guilty to the charges described in this Agreement and to establish
25 the Sentencing Guidelines factors set forth in paragraph 15 below but
26 is not meant to be a complete recitation of all facts relevant to the
27 underlying criminal conduct or all facts known to either party that
28 relate to that conduct.

1 Beginning on an unknown date and continuing through
2 approximately September 11, 2022, in Los Angeles County, within the
3 Central District of California, and elsewhere, defendant conspired
4 and agreed with other known and unknown co-conspirators to knowingly
5 and intentionally distribute and to possess with intent to distribute
6 fentanyl, a Schedule II controlled substance.

7 In furtherance of the conspiracy, on or about September 11,
8 2022, defendant and his co-conspirator Arte Junge Miura, Jr.
9 ("Miura") traveled to Los Angeles International Airport in the same
10 car and walked into the airport together, each carrying a backpack
11 and intending to board the same flight to Louisville, Kentucky. At
12 the airport, defendant and Miura each attempted to move their
13 respective backpack through a security checkpoint. Each backpack
14 contained several over-the-counter pill bottles filled with light
15 blue colored pills containing fentanyl. At the time, defendant and
16 Miura knew they were in possession of fentanyl or some other
17 federally controlled substance and they intended and agreed that they
18 would distribute the pills to another person. In total, the pills in
19 defendant's backpack had a net weight of approximately 2.195
20 kilograms, and the pills in Miura's backpack had a net weight of
21 approximately 2.538 kilograms.

22 SENTENCING FACTORS

23 14. Defendant understands that in determining defendant's
24 sentence the Court is required to calculate the applicable Sentencing
25 Guidelines range and to consider that range, possible departures
26 under the Sentencing Guidelines, and the other sentencing factors set
27 forth in 18 U.S.C. § 3553(a). Defendant understands that the
28 Sentencing Guidelines are advisory only, that defendant cannot have

1 any expectation of receiving a sentence within the calculated
2 Sentencing Guidelines range, and that after considering the
3 Sentencing Guidelines and the other § 3553(a) factors, the Court will
4 be free to exercise its discretion to impose any sentence it finds
5 appropriate between the mandatory minimum and up to the maximum set
6 by statute for the crimes of conviction.

7 15. Defendant and the USAO agree to the following applicable
8 Sentencing Guidelines factors:

9 Base Offense Level: 34 U.S.S.G. § 2D1.1(a)(5), (c)(3)
10 [For at least 4 KG
11 but less than 12 KG
of Fentanyl]

12 Defendant and the USAO reserve the right to argue that additional
13 specific offense characteristics, adjustments, and departures under
14 the Sentencing Guidelines are appropriate. Defendant understands
15 that defendant's offense level could be increased if defendant is a
16 career offender under U.S.S.G. §§ 4B1.1 and 4B1.2. If defendant's
17 offense level is so altered, defendant and the USAO will not be bound
18 by the agreement to Sentencing Guideline factors set forth above.

19 16. Defendant and the USAO agree that:

20 a. Defendant did not use violence or credible threats of
21 violence or possess a firearm or other dangerous weapon (or induce
22 another participant to do so) in connection with the offense charged
23 in Count One;

24 b. The offense charged in Count One did not result in
25 death or serious bodily injury to any person; and

26 c. Defendant was not an organizer, leader, manager, or
27 supervisor of others in the offense charged in Count One and was not
28 engaged in a continuing criminal enterprise.

1 17. Because the safety valve criteria in U.S.S.G. § 5C1.2(a)(1)
2 has not been updated to match the language of 18 U.S.C. § 3553(f)(1),
3 if the Court determines that defendant's case satisfies the criteria
4 in 18 U.S.C. § 3553(f), but does not satisfy the criteria for a two-
5 level reduction under U.S.S.G. § 2D1.1(b)(18) (referencing the
6 criteria set forth in U.S.S.G. § 5C1.2(a)(1)), the USAO will
7 recommend a two-level downward variance to defendant's Sentencing
8 Guidelines range based on the factors set forth in 18 U.S.C.
9 § 3553(a). By making any such recommendation, the USAO does not waive
10 any objection to the Court's determination that the criteria in 18
11 U.S.C. § 3553(f) have been satisfied. If the USAO makes a two-level
12 variance recommendation as described herein, defendant agrees not to
13 seek a further reduced sentence pursuant to 18 U.S.C. § 3582(c)(2) in
14 the event the United States Sentencing Commission amends U.S.S.G.
15 § 5C1.2(a)(1) to match the language of 18 U.S.C. § 3553(f)(1).

16 18. Defendant understands that there is no agreement as to
17 defendant's criminal history or criminal history category.

18 19. Defendant and the USAO reserve the right to argue for a
19 sentence outside the sentencing range established by the Sentencing
20 Guidelines based on the factors set forth in 18 U.S.C. § 3553(a)(1),
21 (a)(2), (a)(3), (a)(6), and (a)(7).

22 WAIVER OF CONSTITUTIONAL RIGHTS

23 20. Defendant understands that by pleading guilty, defendant
24 gives up the following rights:

- 25 a. The right to persist in a plea of not guilty.
26 b. The right to a speedy and public trial by jury.
27 c. The right to be represented by counsel -- and if
28 necessary have the Court appoint counsel -- at trial. Defendant

1 understands, however, that, defendant retains the right to be
2 represented by counsel -- and if necessary have the Court appoint
3 counsel -- at every other stage of the proceeding.

4 d. The right to be presumed innocent and to have the
5 burden of proof placed on the United States to prove defendant guilty
6 beyond a reasonable doubt.

7 e. The right to confront and cross-examine witnesses
8 against defendant.

9 f. The right to testify and to present evidence in
10 opposition to the charges, including the right to compel the
11 attendance of witnesses to testify.

12 g. The right not to be compelled to testify, and, if
13 defendant chose not to testify or present evidence, to have that
14 choice not be used against defendant.

15 h. Any and all rights to pursue any affirmative defenses,
16 Fourth Amendment or Fifth Amendment claims, and other pretrial
17 motions that have been filed or could be filed.

18 WAIVER OF APPEAL OF CONVICTION

19 21. Defendant understands that, with the exception of an appeal
20 based on a claim that defendant's guilty plea was involuntary, by
21 pleading guilty defendant is waiving and giving up any right to
22 appeal defendant's conviction on the offense to which defendant is
23 pleading guilty. Defendant understands that this waiver includes,
24 but is not limited to, arguments that the statutes to which defendant
25 is pleading guilty are unconstitutional, and any and all claims that
26 the statement of facts provided herein is insufficient to support
27 defendant's plea of guilty.

LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

22. Defendant agrees that, provided the Court imposes a term of imprisonment within or below the range corresponding to an offense level of 37 and the criminal history category calculated by the Court, defendant gives up the right to appeal all of the following: (a) the procedures and calculations used to determine and impose any portion of the sentence; (b) the term of imprisonment imposed by the Court; (c) the fine imposed by the Court, provided it is within the statutory maximum; (d) to the extent permitted by law, the constitutionality or legality of defendant's sentence, provided it is within the statutory maximum; (e) the term of probation or supervised release imposed by the Court, provided it is within the statutory maximum; and (f) any of the following conditions of probation or supervised release imposed by the Court: the conditions set forth in Second Amended General Order 20-04 of this Court; the drug testing conditions mandated by 18 U.S.C. §§ 3563(a)(5) and 3583(d); the alcohol and drug use conditions authorized by 18 U.S.C. § 3563(b)(7); and any conditions of probation or supervised release agreed to by defendant in paragraph 2 above.

23. Defendant also gives up any right to bring a post-conviction collateral attack on the convictions or sentence, except a post-conviction collateral attack based on a claim of ineffective assistance of counsel, a claim of newly discovered evidence, or an explicitly retroactive change in the applicable Sentencing Guidelines, sentencing statutes, or statutes of conviction. Defendant understands that this waiver includes, but is not limited to, arguments that the statutes to which defendant is pleading guilty are unconstitutional, and any and all claims that the statement of

1 facts provided herein is insufficient to support defendant's plea of
2 guilty.

3 24. The USAO agrees that, provided (a) all portions of the
4 sentence are at or above the statutory minimum and at or below the
5 statutory maximum specified above and (b) the Court imposes a term of
6 imprisonment within or below the range corresponding to an offense
7 level of 37 and the criminal history category calculated by the
8 Court, the USAO gives up its right to appeal any portion of the
9 sentence.

10 RESULT OF WITHDRAWAL OF GUILTY PLEA

11 25. Defendant agrees that if, after entering a guilty plea
12 pursuant to this agreement, defendant seeks to withdraw and succeeds
13 in withdrawing defendant's guilty plea on any basis other than a
14 claim and finding that entry into this plea agreement was
15 involuntary, then (a) the USAO will be relieved of all of its
16 obligations under this agreement; and (b) should the USAO choose to
17 pursue any charge that was either dismissed or not filed as a result
18 of this agreement, then (i) any applicable statute of limitations
19 will be tolled between the date of defendant's signing of this
20 agreement and the filing commencing any such action; and
21 (ii) defendant waives and gives up all defenses based on the statute
22 of limitations, any claim of pre-indictment delay, or any speedy
23 trial claim with respect to any such action, except to the extent
24 that such defenses existed as of the date of defendant's signing this
25 agreement.

1 EFFECTIVE DATE OF AGREEMENT

2 26. This agreement is effective upon signature and execution of
3 all required certifications by defendant, defendant's counsel, and an
4 Assistant United States Attorney.

5 BREACH OF AGREEMENT

6 27. Defendant agrees that if defendant, at any time after the
7 signature of this agreement and execution of all required
8 certifications by defendant, defendant's counsel, and an Assistant
9 United States Attorney, knowingly violates or fails to perform any of
10 defendant's obligations under this agreement ("a breach"), the USAO
11 may declare this agreement breached. All of defendant's obligations
12 are material, a single breach of this agreement is sufficient for the
13 USAO to declare a breach, and defendant shall not be deemed to have
14 cured a breach without the express agreement of the USAO in writing.
15 If the USAO declares this agreement breached, and the Court finds
16 such a breach to have occurred, then: (a) if defendant has previously
17 entered a guilty plea pursuant to this agreement, defendant will not
18 be able to withdraw the guilty plea, and (b) the USAO will be
19 relieved of all its obligations under this agreement.

20 28. Following the Court's finding of a knowing breach of this
21 agreement by defendant, should the USAO choose to pursue any charge
22 that was either dismissed or not filed as a result of this agreement,
23 then:

24 a. Defendant agrees that any applicable statute of
25 limitations is tolled between the date of defendant's signing of this
26 agreement and the filing commencing any such action.

27 b. Defendant waives and gives up all defenses based on
28 the statute of limitations, any claim of pre-indictment delay, or any

1 speedy trial claim with respect to any such action, except to the
2 extent that such defenses existed as of the date of defendant's
3 signing this agreement.

4 c. Defendant agrees that: (i) any statements made by
5 defendant, under oath, at the guilty plea hearing (if such a hearing
6 occurred prior to the breach); (ii) the agreed to factual basis
7 statement in this agreement; and (iii) any evidence derived from such
8 statements, shall be admissible against defendant in any such action
9 against defendant, and defendant waives and gives up any claim under
10 the United States Constitution, any statute, Rule 410 of the Federal
11 Rules of Evidence, Rule 11(f) of the Federal Rules of Criminal
12 Procedure, or any other federal rule, that the statements or any
13 evidence derived from the statements should be suppressed or are
14 inadmissible.

15 COURT AND UNITED STATES PROBATION AND PRETRIAL SERVICES

16 OFFICE NOT PARTIES

17 29. Defendant understands that the Court and the United States
18 Probation and Pretrial Services Office are not parties to this
19 agreement and need not accept any of the USAO's sentencing
20 recommendations or the parties' agreements to facts or sentencing
21 factors.

22 30. Defendant understands that both defendant and the USAO are
23 free to: (a) supplement the facts by supplying relevant information
24 to the United States Probation and Pretrial Services Office and the
25 Court, (b) correct any and all factual misstatements relating to the
26 Court's Sentencing Guidelines calculations and determination of
27 sentence, and (c) argue on appeal and collateral review that the
28 Court's Sentencing Guidelines calculations and the sentence it

1 chooses to impose are not error, although each party agrees to
2 maintain its view that the calculations in paragraph 13 are
3 consistent with the facts of this case. While this paragraph permits
4 both the USAO and defendant to submit full and complete factual
5 information to the United States Probation and Pretrial Services
6 Office and the Court, even if that factual information may be viewed
7 as inconsistent with the facts agreed to in this agreement, this
8 paragraph does not affect defendant's and the USAO's obligations not
9 to contest the facts agreed to in this agreement.

10 31. Defendant understands that even if the Court ignores any
11 sentencing recommendation, finds facts or reaches conclusions
12 different from those agreed to, and/or imposes any sentence up to the
13 maximum established by statute, defendant cannot, for that reason,
14 withdraw defendant's guilty plea, and defendant will remain bound to
15 fulfill all defendant's obligations under this agreement. Defendant
16 understands that no one -- not the prosecutor, defendant's attorney,
17 or the Court -- can make a binding prediction or promise regarding
18 the sentence defendant will receive, except that it will be within
19 the statutory maximum.

20 NO ADDITIONAL AGREEMENTS

21 32. Defendant understands that, except as set forth herein,
22 there are no promises, understandings, or agreements between the USAO
23 and defendant or defendant's attorney, and that no additional
24 promise, understanding, or agreement may be entered into unless in a
25 writing signed by all parties or on the record in court.

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27
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1 PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

2 33. The parties agree that this agreement will be considered
3 part of the record of defendant's guilty plea hearing as if the
4 entire agreement had been read into the record of the proceeding.

5 AGREED AND ACCEPTED

6 UNITED STATES ATTORNEY'S OFFICE
7 FOR THE CENTRAL DISTRICT OF
8 CALIFORNIA

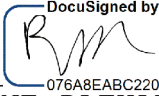
8 E. MARTIN ESTRADA
9 United States Attorney

10 
11 KELSEY A. STIMSON
12 Assist DocuSigned by: States Attorney

12/04/2023

Date

12/1/2023

12 
13 RAYVIONE DATUAN MOUTON
14 Defendant

Date

Damon L. Hobdy

12/01/23

15 DAMON L. HOBODY
16 Attorney for Defendant RAYVIONE
17 DATUAN MOUTON

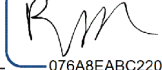
Date

18 CERTIFICATION OF DEFENDANT

19 I have read this agreement in its entirety. I have had enough
20 time to review and consider this agreement, and I have carefully and
21 thoroughly discussed every part of it with my attorney. I understand
22 the terms of this agreement, and I voluntarily agree to those terms.
23 I have discussed the evidence with my attorney, and my attorney has
24 advised me of my rights, of possible pretrial motions that might be
25 filed, of possible defenses that might be asserted either prior to or
26 at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a),
27 of relevant Sentencing Guidelines provisions, and of the consequences
28 of entering into this agreement. No promises, inducements, or
representations of any kind have been made to me other than those

1 contained in this agreement. No one has threatened or forced me in
2 any way to enter into this agreement. I am satisfied with the
3 representation of my attorney in this matter, and I am pleading
4 guilty because I am guilty of the charges and wish to take advantage
5 of the promises set forth in this agreement, and not for any other
6 reason.

DocuSigned by:



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12/1/2023

8 RAYVIONE DATUAN MOUTON
9 Defendant

Date

10 CERTIFICATION OF DEFENDANT'S ATTORNEY

11 I am RAYVIONE DATUAN MOUTON's attorney. I have carefully and
12 thoroughly discussed every part of this agreement with my client.
13 Further, I have fully advised my client of his rights, of possible
14 pretrial motions that might be filed, of possible defenses that might
15 be asserted either prior to or at trial, of the sentencing factors
16 set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines
17 provisions, and of the consequences of entering into this agreement.
18 To my knowledge: no promises, inducements, or representations of any
19 kind have been made to my client other than those contained in this
20 agreement; no one has threatened or forced my client in any way to
21 enter into this agreement; my client's decision to enter into this
22 agreement is an informed and voluntary one; and the factual basis set
23 forth in this agreement is sufficient to support my client's entry of
24 guilty plea pursuant to this agreement.



12/01/23

26 DAMON L. HOBDY
27 Attorney for Defendant RAYVIONE
28 DATUAN MOUTON

Date